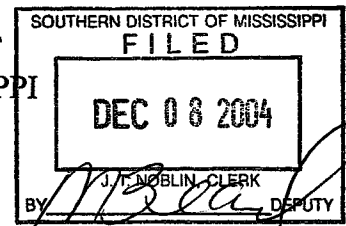


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION



UNITED STATES OF AMERICA

V.

DAVID GARLAND ATWOOD, II

CRIMINAL NO. 5:04cr17BrSu
SUPERSEDING INDICTMENT

18 U.S.C. § 875(c)
18 U.S.C. § 1343
18 U.S.C. § 2422(b)

The Grand Jury charges:

COUNT 1

That on or about October 17, 2003, in Warren County, in the Western Division of the Southern District of Mississippi, the defendant, **DAVID GARLAND ATWOOD, II**, willfully and knowingly did transmit in interstate commerce from Warren County, State of Mississippi, to the State of Virginia, an electronic instant message communication to the victim, which electronic instant message communication contained a threat to injure the person of the victim, that is, "that little house you have is gonna be burnt to the ground and one night as you walk out to your vehicle i am gonna be waiting there with a knife and I am gonna slice you from your belly to your throat", in violation of Section 875(c), Title 18, United States Code.

COUNTS 2 - 7

1. That in or about May 2004, and continuing thereafter up to and including June 2004, in Warren County in the Western Division of the Southern District of Mississippi, and elsewhere, the defendant, **DAVID GARLAND ATWOOD, II**, knowingly and willfully devised and intended to devise a scheme and artifice to defraud and to obtain money by means of false

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and fraudulent pretenses, representations, and promises from Citibank Shell MasterCard and Citibank MasterCard, Chase Manhattan, and American Express, and, for the purpose of executing the scheme and artifice, knowingly caused to be transmitted in interstate commerce by means of a wire communication, certain signs and signals, that is, applications for credit cards that were prepared and sent from a computer in Warren County, Mississippi, and passed through a server located in either South Dakota, Nevada, Delaware, or Utah, and therefore as a matter of necessity traveled in interstate commerce, in violation of Section 1343, Title 18, United States Code.

2. That at all times material herein, Citibank, Chase Manhattan, and American Express, were financial institutions doing business over the internet and providing applications for consumer credit cards.

3. That at all times material herein, **DAVID GARLAND ATWOOD, II**, would use the identity of his relatives, without the relatives knowledge or consent, to apply for credit cards over the internet.

4. That the wire communications sent by the defendant, **DAVID GARLAND ATWOOD, II**, are described as follows:


<u>COUNT</u>	<u>DATE</u>	<u>BANK</u>	<u>ACCOUNT NUMBER</u>	<u>SENT/RECEIVED</u>
2	5/16/04	Citibank Shell	5187-5200-1594-1355	Warren County, MS/ South Dakota or Nevada
3	5/16/04	Citibank MasterCard	5187-5200-2195-1299	Warren County, MS/ South Dakota or Nevada
4	5/16/04	Chase Manhattan	4357-8735-4000-0966	Warren County, MS/ Delaware

5	5/17/04	American Express	3737-614136-51007	Warren County, MS/ Utah
6	5/17/04	American Express	3713-18674-311003	Warren County, MS/ Utah
7	06/01/04	Citibank Shell	5187-5201-6472-8793	Warren County, MS/ South Dakota or Nevada

All in violation of Section 1343, Title 18, United States Code.

COUNT 8

Beginning in or about November, 2003 and continuing through February, 2004, in Warren County in the Western Division of the Southern District of Mississippi and elsewhere, the defendant, **DAVID GARLAND ATWOOD, II**, used a facility of interstate commerce, a computer connected to the internet, to knowingly persuade, induce, and entice, a person he believed to be under the age of eighteen years to engage in sexual activity for which any person could be charged with a crime under the laws of the State of Mississippi, in violation of Section 2422(b), Title 18, United States Code.


DUNN LAMPTON
United States Attorney

A TRUE BILL:
S/SIGNATURE REDACTED
Foreperson of the Grand Jury